

**Remarks**

Favorable reconsideration of this application is requested in view of the following remarks and discussion.

Claims 1-3 are currently pending in the application.

Initially, Applicants express thanks for the Examiner's indication that Claim 3 recites allowable subject matter, such that the claim although having been objected to would be allowable if rewritten in independent form.

In the outstanding Office Action Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,504,845 to Peterson et al. (Peterson). It is requested that the rejection of the claims be withdrawn for the following reasons.

The present invention is directed to a method of transmitting data over a physical link between a base station and a controller of a telecommunications system. Independent Claim 1 recites providing different types of data to corresponding different queues, emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration, and repeating the emptying after the expiration of the time period regardless of a state of the queues.

Peterson is directed to centralized queuing for an ATM node. It is asserted that Peterson does not show or state, including in the portions referenced by the Office Action, the claimed features of emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval.

Peterson states that cells of different quality class are transmitted based on quality of service needed by data, and that a maximum permissible delay may vary from one queue to another, because some connections may be less sensitive than other connections (for example, data connections and voice connections). Restated, Peterson at most discloses that

between voice and data connections, voice connections may be transmitted before data connection because voice connections are more sensitive to delay. Peterson does not state, however, that the voice connections are transmitted before the data connections because the voice connections have a shorter transmission time interval than the data connections. Thus, Peterson uses the criteria of quality of service needed by the data, rather than which data has the shortest time transmission interval, to determine the order of the transmission of the data.

Independent Claim 1 recites “emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration.” For these reasons, it is requested that the rejection of independent Claim 1 under 35 U.S.C. § 102(e) be withdrawn, and the allowance of independent Claim 1 is requested.

Claims 2 and 3 are allowable for the same reasons as independent Claim 1 from which they depend, as well as for their own features. Therefore, allowance of dependent Claims 2 and 3 is requested.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3 is earnestly solicited.

Application No. 09/802,919  
Reply to Office Action of December 27, 2004

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

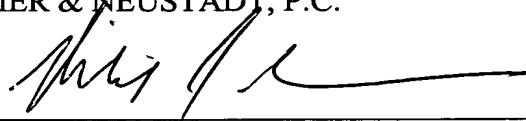
Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Philip J. Hoffmann  
Registration No. 46,340

GJM/PH/me

I:\ATTY\PH\20S\204318\REQ FOR RECONSIDERATION 02.18.05.DOC